

REMARKS

This is intended as a full and complete response to the Final Office Action dated November 9, 2004, having a shortened statutory period for response set to expire on February 9, 2005. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Xu et al.*, (U.S. Patent 6,777,171) or under 35 U.S.C. § 102(f). Applicants respectful traverse the respective rejections.

Xu et al. discloses etching an organosilicate layer with an appropriate chemical etchant (e.g., trifluoromethane (CF₃H)). *Xu et al.* does not teach, show, or suggest etching an organosilicate layer with a gas mixture comprising a hydrogen-containing fluorocarbon and one or more gases selected from the group consisting of hydrogen (H₂), nitrogen (N₂), oxygen (O₂), argon (Ar), and helium (He), as recited in claims 1 and 21, and claims dependent thereon. Thus, the *Xu et al.* reference does not provide a basis for rejection under 35 U.S.C. § 102(e) or under 35 U.S.C. § 102(f). Withdrawal of the rejections is respectfully requested.

Additionally, the *Xu et al.* reference (U.S. Patent 6,777,171) and the pending application 09/912,103 are commonly owned by Applied Materials, Inc. Thus, *Cheung et al.* is not prior art as asserted by the Examiner under U.S.C. §103(c). A statement of common ownership is submitted herewith.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Final Office Action.

PATENT

Atty. Dkt. No. AMAT/5819/DSM/LOW K/JW

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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